Doc Code: AP.PRE.REQ

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	YOR920010602US1 (8728-546)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number	Filed
on February 1, 2006	09/940,709	August 28, 2001
Signature	First Named Inventor	
	Gschwind	
Typed or printed name Frank V. DeRosa	Art Unit	Examiner
	2186	Woo H. Choi

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
        Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
    (Form PTO/SB/96)

☒ attorney or agent of record.
    Registration number _____43,584_____

☐ attorney or agent acting under 37 CFR 1.34.

    Registration number if acting under 37 CFR 1.34 _____

_____
Signature

Frank V. DeRosa
_____
Typed or printed name

516-692-8888
_____
Telephone number

February 1, 2006
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gschwind, et al.	**Examiner:** Choi, Woo H.
Serial No.:	09/940,709	**Group:** Art Unit 2186
Filed:	August. 28, 2001	**Docket No.:** YOR920010602US1 (8728-546)

For: **CONFIGURABLE MEMORY ARRAY**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Statement in Support of Pre-Appeal Brief Request for Review

This paper is being filed in support of Applicants' Pre-Appeal Brief Request for Review.

A Notice of Appeal has been filed herewith in response to the Final Office Action mailed on

November 2, 2005. Applicants respectfully contend that the claim rejections set forth in the

Final Office Action are erroneous as a matter of law and fact. For example, as explained

hereafter, Applicants respectfully submit that at the very minimum, the Examiner's reliance on

Kumar is misplaced as Kumar does not support the anticipation rejections of independent claims

1, 22, 26, 29, 30 and 33.

1

Claim 1:

With regard to claim 1, Applicants assert that <u>Kumar</u> does not disclose a configurable memory that comprises a memory array in which both tag bits and data bits are stored in a single data line in the memory array in a first mode of operation where the configurable memory is configured as a cache, as claimed in claim 1.

The Examiner relies on <u>Kumar</u> Col. 3, lines 32-33 as disclosing a memory array in which both tag bits and data bits are stored in a single data line. <u>This assertion is incorrect and in stark contrast to the clear teachings of Kumar.</u> <u>Kumar</u> clearly discloses (in FIGs. 1 and 2) a reconfigurable memory (12) having a separate tag array (50) and data array (52). Moreover, <u>Kumar</u> states that each row of the tag array (50) corresponds to one of the data lines in the data array (52) (See, Col. 3, lines 32-33). The Examiner's has not set forth a reasonable basis to explain how <u>Kumar's</u> teaching of storing the tag bits and data bits in two different arrays is the same as storing tag bits and data bits in a single data line of a memory array.

<u>Claims 22, 26, 29, 30 and 33.</u>

Each of these independent claims recite features that are the same or similar to that of claim 9, which Examiner has indicated includes allowable subject matter. In particular, claim 9 recites: *wherein the first mode of operation or the second mode of operation is selected during the program execution based upon comparing a supplied address to at least one address range contained in at least one configuration register.*

As is readily apparent in Applicants' last filed Amendment (filed August 25, 2005), each of claims 22, 26, 29, 30 and 33 were amended to include, in general, a feature in which *mode selection can be performed during a program execution by comparing a supplied address to at least one address range contained in at least one configuration register.* At the very least, the

inclusion of these features into claims 22, 26, 29, 30 and 33 should have been recognized by the Examiner as sufficient to overcome the anticipation rejections of claims 22, 26, 29, 30 and 33 based on Kumar. Indeed, the Examiner's indication of allowable subject matter in claim 9, while maintaining the rejection of claims 22, 26, 29 30 and 30, seemingly renders the rejections inconsistent and incoherent. In any event, as is acknowledged by the Examiner, Kumar does not disclose a feature in which *mode selection can be performed during a program execution by comparing a supplied address to at least one address range contained in at least one configuration register,* as essentially recited in claim 9, as well as claims 22, 26, 29,30 and 33. Accordingly, for at least the above reasons, Applicants respectfully request reconsideration of the claim rejections and withdrawal of the Final Action.

Respectfully submitted,

Frank V. DeRosa
Reg. No. 43,584

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889